

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 1, 3-9, 11, 12, 15-32, 34, 36, 37, and 39-43 are pending in the present application. Claims 1, 11, 12, 15, 22, 34, and 39-40 are amended, Claims 10, 13, 14, 33, 35, and 38 are canceled without prejudice or disclaimer, and Claims 42 and 43 are added by the present amendment. No new matter is added.

In the outstanding Office Action, Claims 13, 14, 39, and 40 were rejected under 35 U.S.C. 112, second paragraph; Claims 1 and 4-7 were rejected under 35 U.S.C. 102(b) as anticipated by JP 10-146183 to Hashimoto; Claims 1 and 5-7 were rejected under 35 U.S.C. 102(a) as anticipated by EP 1120646 A1 to Miyahara; Claims 3, 9, 10, 13, 14, and 38 were rejected under 35 U.S.C. 103(a) as unpatentable over Hashimoto; Claims 3, 16, 22, 24, 25, 27, and 40 were rejected under 35 U.S.C. 103(a) as unpatentable over Miyahara; Claims 17 and 19-21 were rejected under 35 U.S.C. 103(a) as unpatentable over Miyahara as applied to Claims 3 and 16, and further in view of Hashimoto; Claim 33 was rejected under 35 U.S.C. 103(a) as unpatentable over Miyahara, in view of Hashimoto; and Claims 8, 11, 12, 18, 23, 26, 28-32, 34-37, and 41 were indicated as including allowable subject matter.

Applicants thank the Examiner for the indication of allowable subject matter. In view thereof, independent Claim 1 is amended to recite the allowable subject matter of Claims 33 and 35; and Claims 11, 12, 15, and 39 are rewritten in independent form. Accordingly, Applicants respectfully submit that those claims are in condition for allowance.

Regarding the rejection of Claims 13, 14, 39, and 40 under 35 U.S.C. § 112, second paragraph, Claims 13 and 14 are canceled; and Claims 39 and 40 are amended in view of the Examiner's comments. Accordingly, Applicants respectfully request that the rejection of Claims 13, 14, 39, and 40 under 35 U.S.C. 112, second paragraph, be withdrawn.

Regarding the rejection of Claims 1 and 4-7 under 35 U.S.C. 102(b) as anticipated by Hashimoto, Claim 1 is amended to recite allowable subject matter (see above). Accordingly, Applicants respectfully request that the rejection of Claim 1 and dependent Claims 4-7, under 35 U.S.C. 102(b) as anticipated by Hashimoto, be withdrawn.

Regarding the rejection of Claims 1 and 5-7 under 35 U.S.C. 102(a) as anticipated by Miyahara, independent Claim 1 is amended to recite allowable subject matter. Accordingly, Applicants respectfully request that the rejection of Claim 1 and dependent Claims 5-7, under 35 U.S.C. 102(a) as anticipated by Miyahara, be withdrawn.

Regarding the rejection of Claims 3, 9, 10, 13, 14, and 38 under 35 U.S.C. 103(a) as unpatentable over Hashimoto, Claims 3 and 9 depend from allowable Claim 1; and Claims 10, 13, 14, and 38 are canceled. Accordingly, Applicants respectfully request that the rejection of Claims 3, 9, 10, 13, 14, and 38, under 35 U.S.C. 103(a) as unpatentable over Hashimoto, be withdrawn.

Turning now to the rejection of Claims 3, 16, 22, 24, 25, 27, and 40 under 35 U.S.C. 103(a) as unpatentable over Miyahara, that rejection is respectfully traversed. As Claim 3 depends from allowable Claim 1, Applicants address the rejection only with respect to independent Claim 16 and dependent Claims 22, 24, 25, 27, and 40.

Amended Claim 16 is directed to a nucleic acid detection sensor, including:

a plurality of nucleic acid chain fixed electrodes, to each of which a probe nucleic acid chain is fixed;

a counter electrode;

***a plurality of scanning lines each configured to transmit, one by one, a select signal that selects more than one of the plurality of nucleic acid chain fixed electrodes;***

a plurality of signal lines configured to transmit a measurement signal from the plurality of nucleic acid chain fixed electrodes;  
and

a plurality of switching elements connected with the plurality of nucleic acid chain fixed electrodes, the plurality of scanning

lines, and the plurality of signal lines, configured to turn on and turn off a connection between the plurality of nucleic acid chain fixed electrodes and the plurality of signal lines according to the select signals from the plurality of scanning lines, and provided for the nucleic acid chain fixed electrodes, respectively.

As emphasized, Claim 16 recites that the transmission of a select signal by a scanning line results in the selection of more than one of the plurality of nucleic acid chain fixed electrodes.

In a non-limiting example, Figure 1 of the present application illustrates an embodiment of the claimed invention. As shown, each scanning line 104 switches a plurality of switching elements 103, which results in the selection of a plural subset of the nucleic acid chain fixed electrodes 102 (e.g., three out of six such electrodes in the sensor illustrated in Figure 1).

The outstanding Office Action cites the scanning terminal 27 of Miyahara's Figure 4(c) as teaching the claimed plurality of scanning lines. As shown, however, the scanning terminal 27 can select only one of the gold electrodes 8 at a given moment. There is no suggestion that more than one of the electrodes 8 can be selected at one time.<sup>1</sup> Further, even assuming, *arguendo*, that the single scanning terminal 27 forms a plurality of scanning lines with the gold electrode terminals 12, then each gold electrode terminal 12 corresponds to one scanning line; and, ergo, each such scanning line selects only one gold electrode 8, and not more than one of the gold electrodes 8.

Accordingly, as Miyahara does not teach the claimed plurality of scanning lines, Applicants respectfully request the rejection of independent Claim 16 and dependent Claims 22, 24, 25, 27, and 40, under 35 U.S.C. 103(a) as unpatentable over Miyahara, be withdrawn.

Regarding the rejection of Claims 17 and 19-21 under 35 U.S.C. 103(a) as unpatentable over Miyahara as applied to Claims 3 and 16, and further in view of Hashimoto,

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<sup>1</sup> See Miyahara, paragraph 35.

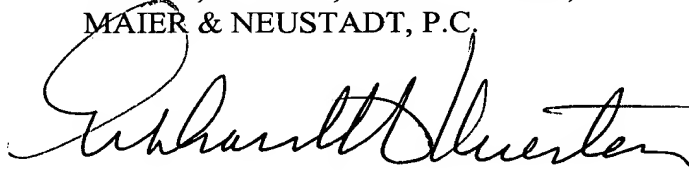
those claims depend from Claim 16. Accordingly, as the teachings of Hashimoto do not cure the above-noted deficiency of Miyahara, Applicants respectfully request that the rejection of Claims 17 and 19-21, under 35 U.S.C. 103(a) as unpatentable over Miyahara and further in view of Hashimoto, be withdrawn.

Regarding the rejection of Claim 33 under 35 U.S.C. 103(a) as unpatentable over Miyahara in view of Hashimoto, that rejection is moot in view of the cancellation of Claim 33.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Registration No. 28,870

Michael R. Casey, Ph.D.  
Registration No. 40,294

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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